



Brotherhood of Railroad Signalmen

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Docket Clerk
Attn: Docket No. FRA 2001-8728 -13
U.S. Department of Transportation Dockets
400 Seventh Street, S.W, Room PL-401
Washington, DC 20590-0001

Dear Sir or Madam:

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION
WASHINGTON, DC**

**U.S. LOCATIONAL REQUIREMENT
FOR DISPATCHING
OF U.S. RAIL OPERATIONS
FRA DOCKET NO. FRA-2001-8728**

**WRITTEN COMMENTS
OF THE
BROTHERHOOD OF RAILROAD SIGNALMEN**

The Brotherhood of Railroad Signalmen (hereinafter referred to as "BRS") responding to encouragement from the Federal Railroad Administration (FRA) submit the following written comments for consideration to assist and support the FRA in requiring all dispatching of railroad operations that occur in the United States to be performed in the United States with three minor exceptions.

The BRS, founded in 1901, represents over 10,000 members working for railroads across the United States and Canada. Signalmen install, maintain and repair the signal systems that

The Brotherhood of Railroad Signalmen (hereinafter referred to as "BRS") responding to encouragement from the Federal Railroad Administration (FRA) submit the following written comments for consideration to assist and support the FRA in establishing effective changes concerning the Control of Alcohol and Drug Use; Proposed Application of Random Testing and Other Requirements to Employees of a Foreign Railroad Who Are Based Outside the U.S. and Perform Train or Dispatching Service in the U.S.; Request for Comment on Even Broader Application of Rules and on Implementation Issues.

The BRS, founded in 1901, represents over 10,000 members working for railroads across the United States and Canada. Signalmen install, maintain and repair the signal systems that railroads utilize to direct train movements. Signalmen also install and maintain the grade crossing signal systems used at highway-railroad intersections, which play a vital role in ensuring the safety of highway travelers.

The BRS supports full compliance with regulations that help to make our railroads safe for their employees and the traveling public. Part of that effort to ensure that level of safety comes from the language in 49 CFR Part 219 covering drug and alcohol testing of railroad employees.

We appreciate the opportunity to participate in FRA's effort and are convinced that FRA's proposed requirements in this important area will achieve FRA's goals without imposing unreasonable costs and other burdens on the railroads and their employees.

COMMENTS

The BRS agrees that reforms and changes are needed. The BRS concurs with the proposed rules, designed to expand the basis for requiring post-accident testing (subpart C) and testing for cause (subpart D) of part 219 to included events that occur outside the United States.

The BRS unequivocally supports changes to the regulation which would require employees of a foreign railroad whose primary reporting point is outside the United States (a foreign railroad's foreign-based employees or "FRFB employees"), in train service and dispatching service to comply with all of part 219, including pre-employment testing under subpart F for all individuals seeking to serve in such capacity, unless their employer qualifies as a small railroad under proposed §219.3(b).

The BRS concurs with FRA's conclusion that these changes would ensure that dispatchers controlling the bulk of rail operations in the United States are covered by part 219.

Furthermore the BRS strongly supports the conclusions and concerns expressed in the American Train Dispatcher's Division – Brotherhood of Locomotive Engineers comments to this waiver.

CONCLUSION

First and foremost, the BRS fully supports the changes to the regulation which would require FRFB employees in train service and dispatching service to comply with all of part 219, including pre-employment testing under subpart F for all individuals seeking to serve in such capacity, unless their employer qualifies as a small railroad under proposed §219.3(b).

The BRS appreciates this opportunity to participate in revising and implementing the effective changes concerning the Control of Alcohol and Drug Use; Proposed Application of Random Testing and Other Requirements to Employees of a Foreign Railroad Who Are Based Outside the U.S. and Perform Train or Dispatching Service in the U.S.; Request for Comment on Even Broader Application of Rules and on Implementation Issues.

The BRS believes that the FRA's acceptance of our recommendations will be an effective and positive response to establishing effective changes concerning this docket.

Respectfully submitted,



W. Dan Pickett
International President

cc: Grand Executive Council, BRS
Grand Lodge Representatives, BRS
Mr. F. Leo McCann, President, ATDD-BLE